

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MIGUEL GARCIA ROMO,  
Petitioner,  
v.  
THE PEOPLE OF THE STATE OF  
CALIFORNIA,  
Respondent.

No. 2:24-cv-03301-DJC-EFB (HC)

ORDER

Petitioner, a state prisoner proceeding pro se, filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 30, 2025, the Magistrate Judge filed findings and recommendations herein which were served on petitioner and which contained notice to Petitioner that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has not filed objections to the findings and recommendations.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis. In addition, having considered the

1 factors described in *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th Cir. 1992), the Court  
2 finds that dismissal is appropriate. The Court notes that in addition to failing to  
3 update his address, Plaintiff has failed to file an in forma pauperis affidavit as ordered  
4 by the Magistrate Judge on December 5, 2024. (See ECF No. 4.)

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The findings and recommendations (ECF No. 5) are adopted in full;
- 7 2. The petition is dismissed for failure to prosecute;
- 8 3. The Clerk of Court is directed to close the case; and
- 9 4. The Court declines to issue the certificate of appealability referenced in 28  
10 U.S.C. § 2253 as Petitioner has not made a substantial showing of the denial  
11 of a constitutional right, see 28 U.S.C. § 2253(c)(2).

12 IT IS SO ORDERED.

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14 Dated: **September 12, 2025**

  
15 Hon. Daniel J. Calabretta  
16 UNITED STATES DISTRICT JUDGE  
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